

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

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|---|---|-------------------------|
| In re: | : | Chapter 11 |
| | : | |
| PWR INVEST, LP, et al., | : | Case No. 19-11164 (JTD) |
| | : | (Jointly Administered) |
| Debtors. | : | |
| <hr style="width:40%; margin-left:0;"/> | | |
| PWR INVEST, LP, et al., | : | |
| | : | |
| Appellants, | : | |
| | : | |
| v. | : | C. A. No. 19-2255-RGA |
| | : | |
| CHAMBERS ENERGY MANAGEMENT, | : | |
| LP, et al., | : | |
| | : | |
| Appellees. | : | |

RECOMMENDATION

At Wilmington this **21st** day of **January, 2020**.

WHEREAS, pursuant to paragraph 2(a) of the Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District dated September 11, 2012, in addition to the parties' joint submissions of 1/9/20, a teleconference was held on 1/15/20 for an initial review and discussion with counsel to determine the appropriateness of mediation in this matter;

WHEREAS, as a result of the above screening process, the issues involved in this case are not amenable to mediation and mediation at this stage would not be a productive exercise, a worthwhile use of judicial resources nor warrant the expense of the process. Appellants felt that mediation could be beneficial to all parties involved, including the vendors and creditors of the Debtor. The U.S. Trustee,

Appellee, did not believe that the substantive issues were amenable to mediation, but would participate if the other parties felt the appeal could be resolved consistent with the Bankruptcy Code. Chambers Energy Management, L.P., Appellee (“Chambers”), felt that the issues on appeal were not amenable to ADR.

The Bankruptcy Court entered an order appointing Michael A. McConnell, Esq. as the chapter 11 trustee. The issue on appeal involves whether a trustee should be appointed, which does not appear to be an matter subject to compromise. Further, the Bankruptcy Court commented when granting Chambers’ motion to appoint a chapter 11 trustee that pervasive conflicts existed regarding the Debtors’ management, putting into question whether they should continue administering the Chapter 11 cases.

Chambers requested that the following briefing schedule be entered:

| | |
|---------------------------|-------------------|
| Appellants’ Opening Brief | February 24, 2020 |
| Appellees’ Brief | April 10, 2020 |
| Appellants’ Reply Brief | May 1, 2020 |

Should the Court accept this Recommendation, Appellants and the U.S. Trustee are in agreement with the above proposed briefing schedule.

THEREFORE, IT IS RECOMMENDED that, pursuant to paragraph 2(a) Procedures to Govern Mediation of Appeals from the United States Bankruptcy Court for this District and 28 U.S.C. § 636(b), this matter be withdrawn from the mandatory referral for mediation and proceed through the appellate process of this Court. The parties were advised of their right to object to this Recommendation pursuant to 28 U.S.C. § 636(b)(1)(B), FED. R. CIV. P. 72(a) and D. DEL. LR 72.1.

Local counsel are obligated to inform out-of-state counsel of this Order.

/s/ Mary Pat Thyng
Chief U.S. Magistrate Judge Mary Pat Thyng